



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,032	02/05/2001	Stephen A. Bagshaw	ATI010003	2306

34456 7590 01/19/2007
LARSON NEWMAN ABEL POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

JAN 19 2007

Technology Center 2100

Application Number: 09/777,032
Filing Date: February 05, 2001
Appellant(s): BAGSHAW, STEPHEN A.

Ryan S. Davidson
Registration No. 51,596
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 20 October 2006 appealing from the Office action mailed 15 June 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Appellant has solely identified claims 1, 12, 25, and 26 for appeal. Accordingly, the withdrawal of the appeal as to claims 2-5, 7-11, 13, 15-17, 19-24, 27, and 29-35 operates as an authorization to cancel these claims from the application. See MPEP § 1215.03.

In view of Appellant's arguments, claims 12, 25, and 26 are allowed.

This appeal solely involves claim 1. Claim 1 stands rejected under 35 U.S.C. 102(e).

Claims 2-11, 13-24, and 27-35 have been canceled.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The amendment after final rejection filed on 8 August 2005 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner: Claims 12, 25, and 26.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,157,719

WASILEWSKI et al.

12-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,157,719 to Wasilewski et al.

The digital cable (video) television system disclosed by Wasilewski, a set of any number of bit streams are combined and each of several bit streams are individually encrypted at a the Program Encrypt function 201 (see column 6, lines 24-27 and figure 2A). The stream is recovered and demultiplexed, producing a single stream (see column 7, lines 6-24 and Fig. 2B). The invention is implemented using set-top boxes.

(10) Response to Argument

The invention is related to the encryption of MPEG data streams. The MPEG standard is used in the storing and transmission of video, and an associated stream is typically open for the entire duration of a broadcast. See Wasilewski, Background of the Invention, column 1, line 57 to column 2, line 26. Wasilewski's invention addresses the processing of such data streams received in a set-top box.

Regarding Appellant's argument that Wasilewski only discloses the encryption of multiple data streams multiplexed together, rather than a single data stream, it is noted that the passage cited by Appellant in Wasilewski's disclosure only states that each elementary stream may be individually encrypted. Wasilewski goes on to present greater detail about these data streams, and specifically states that the encryption of a stream is done according to a key known as a Control Word (CW), and that the CW may change as often as once every few seconds (a shorter time than most broadcasts), and is applied to each elementary stream. The application of this control word change to

Art Unit: 2134

each elementary stream being transmitted, therefore, results in at least a first portion (the first part of the stream) encrypted using a first key, yielding a first encrypted stream, and a second portion (after the change in the CW) encrypted using a second key, yielding a second encrypted stream. See Wasilewski, column 6, lines 32-39.

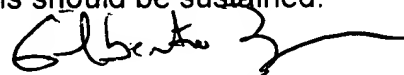
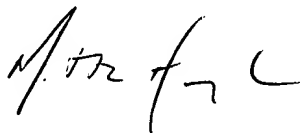
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Matthew Heneghan



GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Conferees:

Gilberto Barron

Taghi Arani

